

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, } 8:16CR27  
Plaintiff, } ORDER  
vs. }  
MICHAEL NUNEZ, }  
Defendant. }

This matter is before the court on the motion for an extension of time by defendant Michael Nunez (Nunez) (Filing No. 21). Nunez seeks an additional thirty days in which to file pretrial motions in accordance with the progression order. Nunez has filed an affidavit wherein he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act (Filing No. 22). Nunez's counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted.

**IT IS ORDERED:**

1. Defendant Nunez's motion for an extension of time (Filing No. 21) is granted. Nunez is given until **on or before April 5, 2016**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., **the time between March 4, 2016, and April 5, 2016**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

2. Trial of this matter scheduled for March 28, 2016, is canceled and will be rescheduled following the disposition of any pretrial motions or the expiration of the pretrial motion deadline.

DATED this 4th day of March, 2016.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge